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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Karim Maskatiya

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EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3696

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12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/910,462	<b>Applicant(s)</b> MASKATIYA ET AL.	
	<b>Examiner</b> OJO O. OYEBISI	<b>Art Unit</b> 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/08 has been entered. In the RCE filed on 09/22/08, the following have occurred: claims 1, 5, 7, 10, and 13 have been amended and claims 1-5, 7-13 are currently pending.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1-5, 7-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant currently recites, in claims 1, 5, 7 and 13 the limitations "determining whether a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver." The examiner searched the length and breath of the applicant's disclosure and failed to find a passage where support for this limitation was provided.

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Similarly, the applicant currently recites "unique order identifier." The specification as originally filed only recites "reference number, tracking number, authorization number" (see paras 0023), but not a "unique order identifier" As now implied. Clarification is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-5, 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez (US PAT: 5,208,446) in view of Bloom (US PAT: 6974928).

**Re claim 1.** Martinez discloses the method of delivering at least one item or service from a provider to a receiver the method comprising: receiving an order for at least one item or service available from the provider (see fig.1, also see col.1 lines 35-65, see col.2 lines 45-65) the order identifying a receiver to which to deliver the at least one item

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or service; determining whether a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver, in response to the information regarding the order identifier being provided to the financial processor, providing payment for the at least one item or service from the financial processor to the provider (i.e., see col.3 lines 10-67), and in response to payment being provided to the provider, delivering the at least one item or service to the receiver (see col.5 lines 30-40). Martinez does not expressly disclose, providing a unique order identifier in response to receiving the order, obtaining the unique order identifier from the receiver at substantially at the time of delivery, providing information regarding the unique order identifier obtained at the time of delivery to a financial processor. However, Bloom makes this disclosure (see col.4 lines 1-30). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 2.** Martinez does not explicitly disclose a method in accordance with claim 1 wherein the information regarding the order identifier is provided to the provider prior to providing the information regarding the order identifier to the financial processor.

However, Bloom makes this disclosure (see col.4 lines 1-30). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 3.** Martinez does not explicitly disclose a method in accordance with claim 1 wherein the information regarding the order identifier is provided to the financial processor substantially immediately upon receipt at the time of delivery. However,

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Bloom makes this disclosure (see col.4 lines 1-30). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 4.** Martinez further discloses a method in accordance with claim 1 wherein the at least one piece of data is provided to the financial processor with other pieces of data from other transactions (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50)

**Re claim 5.** Claim 5, though a system claim, is a parallel of claim 1. That is to say, it recites similar limitations to claim 1 and thus rejected using the same art and rationale as in claim supra.

**Re claim 7.** Martinez further discloses a method for obtaining payment for an item or service near the time of delivery, comprising: receiving a determination as to whether payment for the item or service is at least one of approved and accepted (see col.3

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line 40-col.4 line 45, also see col.5 lines 20-40); and approving delivery of the item or service to the intended recipient when the received determination indicates that payment for the item or service is at least one of approved and accepted (see the abstract, also see col.5 lines 30-41). Martinez does not expressly disclose obtaining a unique order identifier from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service, the unique order identifier being received by the intended recipient in response to a determination that a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver for the order for the at least one of an item and a service; providing information about the obtained unique order identifier to one of a financial processor and a provider of the item or service. However, Bloom discloses obtaining a unique order identifier from the intended recipient of at least one of an item and a service at substantially a time of delivery for the item or service, the unique order identifier being received by the intended recipient in response to a determination that a financial processor is authorized to provide payment for the at least one item or service to the provider on behalf of the receiver for the order for the at least one of an item and a service; providing information about the obtained unique order identifier to one of a financial processor and a provider of the item or service (see col.4 lines 1-30). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Martinez and Bloom to provide added security to the delivery of goods.

**Re claim 8.** Martinez further discloses a method according to claim 7, wherein:

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obtaining an order identifier includes obtaining at least one piece of data selected from the group consisting of a purchase order number, and a purchase order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50).

**Re claim 9.** Martinez further discloses a method according to claim 7, further comprising: returning the item or service undelivered when the received determination indicates that payment for the item or service is not at least one of approved and accepted (see col.5 lines 30-40).

**Re claim 10.** Martinez further discloses a method according to claim 7, wherein: providing the unique order identifier to one of a financial processor and a provider of the item or service includes transmitting the obtained order identifier to one of a financial processor and a provider of the item or service at substantially the time of delivery (see abstract, also see col.3 lines 30-50).



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**Re claim 11.** Martinez further discloses a method in accordance with claim 1 wherein the order identifier is selected from the group consisting of a reference number, a tracking number, an authorization number, a purchase order number, and a purchase order-type document (i.e., Data inputted by system 53 is stored in memory 52 as legal tender or programming information 57. When credit card information including the card number, expiration date, cardholder name, etc. is entered into memory 52 by sensor 54 and the user wishes to validate the credit card number, the user presses a selected button on keyboard 53 or otherwise prompts controller 51 to generate and transmit signals 59 to transmitter-receiver 50. Signals 59 include the credit card information. Transmitter 50 transmits 60 the signals 59 to the cellular telephone network of FIG. 4 or to another selected communications network. The cellular telephone network of FIG. 4 receives and transmits signals 59 to a host computer 102 which validates the credit card information and other data associated with the credit card, see col.3 lines 18-50).

**Re claim 12.** Claim 12, though a system claim, recites similar limitations to method claim 11 supra and thus rejected using the art and rationale as in claim 11.

**Re claim 13.** Claim 13 recites similar limitations to method claim 1 supra and thus rejected using the art and rationale as in claim 1.

***Response to Arguments***

Applicant's arguments filed on 09/22/08 have been fully considered but they are not persuasive. Applicant argues in substance that neither Martinez nor Bloom discloses providing a unique order identifier in response to receiving the order, obtaining the unique order identifier from the receiver at substantially at the time of delivery, providing information regarding the unique order identifier obtained at the time of delivery to a financial processor. Contrary to the applicant's assertion, Bloom discloses providing a unique order identifier in response to receiving the order, obtaining the unique order identifier from the receiver at substantially at the time of delivery, providing information regarding the unique order identifier obtained at the time of delivery to a financial processor (i.e., the step of automatically triggering the dispatch of the electronic notification can further include **recording information necessary for billing at least one of the retailer shipping the ordered items of the bulk delivered package**, a customer who ordered the item of the bulk delivered package, and the recipient of the bulk delivered package. **The information can include at least one of an order identifier, an ordering customer identifier, a recipient identifier or a customer identifier, a package identifier**, a delivery date, a delivery time, a delivery notification date, a delivery notification time, a retrieval date and a retrieval time, or any combination thereof. The electronic notification to the recipient can be a facsimile, an email, a telephone call, and a page or any combination thereof, see col.4 lines 1-30). The examiner contends that Bloom uses information such as **an order identifier, an ordering customer identifier, a recipient identifier or a customer identifier, a**

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**package identifier for billing at least one of the retailer shipping the ordered items of the bulk delivered package.**

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/  
Examiner, Art Unit 3696



<div><b>Application Number</b></div> <div></div>	<b>Application/Control No.</b>	<b>Applicant(s)/Patent under Reexamination</b>	
	09/910,462	MASKATIYA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	OJO O. OYEBISI	3696	